

08-27-07

[10191/3951]

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JFW**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants : Harald MICHI et al.
Serial No. : 10/507,276
Filing Date : March 10, 2005
Title : CRUISE CONTROL HAVING A
STOP-AND-GO FUNCTION
Art Unit : 3663
Examiner : Ronnie M. MANCHO
Confirmation No. : 3860
Customer No. : 26646



Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

ATTENTION: Paul Shanoski

**RENEWED PETITION UNDER 37 C.F.R. 1.181(a) TO WITHDRAW ERRONEOUS
HOLDING OF ABANDONMENT DUE TO PATENT OFFICE ERROR**

SIR:

In response to the "Decision on Petition under 37 C.F.R. § 1.181(a)" (hereinafter "Decision") mailed by the Patent Office on June 25, 2007, Applicants respectfully submit this renewed petition under 37 C.F.R. § 1.181(a) to withdraw the erroneous holding of abandonment in the above-captioned application.

In the Decision, the Patent Office indicated that the present application was correctly deemed to be abandoned because the response mailed by the Applicants on January 16, 2007 failed to place the application in condition for allowance before the maximum extendable period of time for replying to the final Office Action mailed on August 14, 2006. However, Applicants timely filed a Notice of Appeal dated February 12, 2007 (appealing from the final Office Action of August 14, 2006), together with a certificate of mailing and the necessary extension fees, so that the response was properly and timely filed within the maximum extendable period of time for replying to the final Office Action (which time period expired on February 14, 2007). Applicants submit herewith a copy of the Notice of Appeal mailed on February 12, 2007 (which Notice of Appeal requested a three-month extension of time and authorized payment of the appropriate extension fee) and a copy of a return postcard that accompanied the Notice of Appeal (which postcard has been date stamped February 14, 2007 by the United States Patent and Trademark Office).

EXPRESS MAIL LABEL NO.: EV 322949475 US
NY01 1394871 v1

U.S. Pat. App. Ser. No. 10/507,276
Attorney Docket No. 10191/3951
37 C.F.R. § 1.181 Renewed Petition To
Withdraw Erroneous Holding Of Abandonment

The Notice of Appeal included a certificate of mailing in compliance with 37 C.F.R. § 1.8, which certifies that the Notice of Appeal was deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on February 12, 2007, so the effective filing date for the Notice of Appeal was the mailing date of February 12, 2007. The Notice of Appeal authorized charging of the three-month extension fee of (as well as any other fee required in connection with) the Notice of Appeal to Deposit Account No. 11-0600.

The U.S.P.T.O. date-stamped postcard -- which itemizes and properly identifies the Notice of Appeal and Extension Request that was mailed on February 12, 2007 -- is prima facie evidence of receipt by the United States Patent and Trademark Office of all items listed on the postcard for United States Application Serial No. 10/507,276 -- namely, the Notice of Appeal and Extension Request mailed on February 12, 2007 and received on February 14, 2007 (as evidenced by the date stamped on the postcard by the United States Patent and Trademark Office).

Applicants therefore respectfully request that the enclosed copy of the Notice of Appeal mailed on February 12, 2007 be entered in the present application, and Applicants respectfully petition the Commissioner under 37 C.F.R. § 1.181(a) to withdraw the erroneous holding of abandonment -- which was in error since a response was timely filed and received by the U.S.P.T.O.

As this petition was necessitated by Patent Office error, no fee is believed to be required in connection with this petition under 37 C.F.R. § 1.181(a). However, the Commissioner is authorized to charge any fees that may be necessary in connection with this petition under 37 C.F.R. § 1.181(a) (or any other matter relating to the above-captioned application) to the deposit account of **Kenyon & Kenyon LLP, Deposit Account No. 11-0600.**

Respectfully submitted,



(R. No. 36,197)

Date: August 24, 2007

By: JONG LEE for Gerard Messina

Gerard A. Messina (Reg. No. 35,952)

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EXPRESS MAIL LABEL NO.:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants	:	Harald MICHI et al.
Serial No.	:	10/507,276
Filing Date	:	March 10, 2005
Title	:	CRUISE CONTROL HAVING A STOP-AND-GO FUNCTION
Art Unit	:	3663
Examiner	:	Ronnie M. MANCHO
Confirmation No.	:	3860
Customer No.	:	26646



Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

ATTENTION: Paul Shanowski

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HOLDING OF ABANDONMENT DUE TO PATENT OFFICE ERROR**

SIR:

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Respectfully submitted,

 (R. No. 36,197)

Date: August 24, 2007

By: JONG LEE for Gerard Messina
Gerard A. Messina (Reg. No. 35,952)
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EXPRESS MAIL LABEL NO.:

P45119550

Case No. 109113957
Ser. No. 10/507276

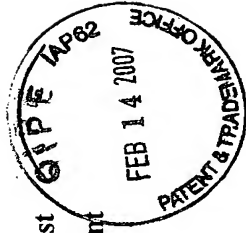
Atty. JHC

Date 2/12/07

The Impressed Mail Room date stamp acknowledges receipt of the date indicated of:

- ☐ Application
- ☐ Amendment
- ☐ Assignment
- ☒ Notice of Appeal
- ☐ Prior Art Statement
- ☐ Appeal Brief

- ☒ Extension Request
- ☐ Priority Document
- ☐ Issue Fee
- ☐ Declaration
- ☐ Small Entity



☒ Dep a est 11-0660